Calendar No. 933

99TH CONGRESS
2d Session

SENATE

REPORT
99-451

ELIMINATION OF DECENNIAL CENSUSES OF DRAINAGE

SEPTEMBER 19, (legislative day, SEPTEMBER 15), 1986.—Ordered to be printed

Mr. ROTH, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany H.R. 2722]

The Committee on Governmental Affairs to which was referred the bill. (H.R. 2722) to eliminate the requirement relating to decennial censuses of drainage, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended, do pass.

I. PURPOSE

The purpose of H.R. 2722 is to amend Title 13, United States Code, to eliminate the requirement relating to decennial censuses of drainage.

II. BACKGROUND

Section 142 of Title 13, United States Code, provides for the censuses of agriculture and irrigation and stipulates that a census of drainage be conducted every ten years. The drainage requirement was added to the 1920 Decennial Census Act as a statistical aid to the development of agricultural land. Information has been collected on drainage systems installed by private landowners or through large-scale community and public efforts. The last drainage census was conducted for the year 1978, and one is scheduled to be conducted for the year 1987.

New drainage development has been significantly reduced, and the importance of monitoring these systems has diminished. The decennial drainage census has recorded a decline in new drainage activity since 1920. This decline stems from the completion of drainage installations on farmland supported through large-scale

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community and public efforts, the over-supply of certain farm commodities, and a reversal of the policy of the Federal government from encouraging drainage through financial and technical assistance to the present policy of advocating wetland protection and preservation.

The Interagency Committee of the Water Resources Council, established to recommend data needs for the 1978 Census of Irrigation and Drainage, found little use being made of the drainage census and recommended that it be discontinued. The Bureau of the Census is unable to identify current need for the data and is hampered in the collection of the data because many of the drainage districts no longer exist. The major user is the Soil Conservation Service of the Department of Agriculture, and during the 1978 drainage census, the Census Bureau relied largely on Soil Conservation Service field staff to estimate the amount of land drained.

III. Legislative History

H.R. 2722 was reported favorably by voice vote by the House Committee on Post Office and Civil Service on July 24, 1985, following a hearing and favorable consideration by the Subcommittee on Census and Population. The bill was passed by the House of Representatives by voice vote on November 12, 1985.

H.R. 2722 was referred to the Governmental Affairs Subcommittee on Energy, Nuclear Proliferation, and Government Processes for consideration. Comments in support of the bill were received from the Departments of Agriculture and Commerce. Additionally, the Subcommittee was advised by letter that the Census Advisory Committee on Agriculture Statistics, which is composed of representatives from the major farm associations and organizations, considered and approved the elimination of the drainage census. On July 25, 1986, the Subcommittee reported the bill to the full committee by a vote of 3 to 0.

IV. Committee Vote

On August 12, 1986, a quorum being present, the Committee on Governmental Affairs favorably reported H.R. 2722 by voice vote. No opposition to the bill was registered by any member.

V. Evaluation of Regulatory Impact

Paragraph II(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact which would be incurred in carrying out the bill.

H.R. 2722 is intended to increase the efficiency and effectiveness of the U.S. Bureau of the Census by eliminating the requirement that it conduct a decennial survey that is not necessary or useful. No new regulations would be promulgated, and no new information requirements would be made on the public. Therefore, the Committee estimates there would be no regulatory or paperwork impact resulting from this legislation.

VI. Estimated Cost of Legislation

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 11, 1986.

Hon. William V. Roth, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewd H.R. 2722, a bill to amend title 13, United States Code, to eliminate the requirement relating to decennial censuses of drainage, as ordered reported by the Senate Committee on Governmental Affairs, August 12, 1986.

H.R. 2722 would eliminate the requirement that the censuses of agriculture and irrigation include a census of drainage. The last drainage census was conducted in 1979 for the year 1978 by the Bureau of the Census, Department of Commerce. The next census is scheduled to be conducted in 1988 for the year 1987.

Savings would accrue as a result of reduced activity by both the Census Bureau and the Soil Conservation Service (SCS) in the Department of Agriculture, because the latter would assist in the data collection effort. Based on the cost of the previous census, with adjustments for inflation, the expected savings to the Census Bureau, if H.R. 2722 were enacted, is estimated to be $125,000 in 1987, $115,000 in 1988, and $40,000 in 1989. Because of reduced lead time in preparing for the census, these costs would be incurred over three years rather than over four years, as was the case with the last census. Because the scope of the proposed census of drainage has not yet been determined, it is not possible to estimate the man-hours that the SCS would need for the data collection effort. If, for example, the survey required one day of staff time, plus overhead, in each of the 3,000 field offices, the SCS estimates that it would request reimbursement totaling approximately $500,000 from the Census Bureau. If this bill is enacted, those costs would not be incurred.

No costs are expected to be incurred by state and local governments as a result of enactment of this bill.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Rudolph G. Penner, *Director.*

VII. Changes in Existing Law

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 13, UNITED STATES CODE

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CHAPTER 5.—CENSUSES

SUBCHAPTER I—MANUFACTUREKS, MINERAL INDUSTRIES, AND OTHER BUSINESSES

Sec.
131. Collection and publication; five-year periods.
132. Controlling law; effect on other agencies.

SUBCHAPTER II—POPULATION, HOUSING, AGRICULTURE, IRRIGATION, [DRAINAGE,] AND UNEMPLOYMENT

141. Population and other census information.
[142. Agriculture, irrigation, and drainage.]
142. Agriculture and irrigation.

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Subchapter II—Population, Housing, Agriculture, Irrigation, Drainage, and Unemployment

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[§ 142. Agriculture, irrigation, and drainage]

§ 142. Agriculture and irrigation

(a) The Secretary shall in 1979, in 1983, and in every fifth year beginning after 1983, take a census of agriculture.

(b) In conjunction with the census to be taken under subsection (a) of this section in 1979, in 1988, and every tenth year beginning after 1988, the Secretary shall take a census of irrigation [and drainage.]

(c) The data collected in each of the censuses taken under this section shall relate to the year immediately preceding the year in which such census is taken.

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Calendar No. 964

99TH CONGRESS
2d Session

SENATE

REPORT
99-473

DISTRICT OF COLUMBIA JURY SYSTEM ACT

SEPTEMBER 23 (legislative day, SEPTEMBER 15), 1986.—Ordered to be printed

Mr. ROTH, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany H.R. 2946]

[Including cost estimate of the Congressional Budget Office]

The Committee on Governmental Affairs to which was referred the bill (H.R. 2946) to establish an independent jury system for the Superior Court of the District of Columbia, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

PURPOSE OF THE LEGISLATION

It is the purpose of H.R. 2946 to provide for the establishment of an independent jury system for the District of Columbia Superior Court by amending Title 11 of the District of Columbia Code to transfer administration of local juries from the United States District Court to the Superior Court.

BACKGROUND OF THE LEGISLATION

The Congressionally enacted Court Reform Act of 1970 established the District of Columbia courts system, composed of the District of Columbia Superior Court and the Court of Appeals for the District of Columbia, equivalent in jurisdiction and stature to any state court system. The Superior Court, as the local trial court for the District, has assumed jurisdiction for all civil cases and cases involving criminal violations of District laws, yet remains tied to the United States District Court for the District of Columbia in that present law calls for that federal court to operate a "single jury selection system" for both the local and federal courts. As a

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result, the Superior Court has been forced to rely on the jury pool produced by the federal court jury selection system, which is far from all inclusive. In addition, the Superior Court has not been able to change the current requirement for two week jury duty sessions, which many citizens of the District claim to be overburdensome. The Court has responded to the complaints of the citizens by testing a one day/one trial jury system, which this legislation will allow the court to implement. It is expected that this change, along with the elimination of certain disqualification categories provided in current law, will greatly expand the jury pool for this very busy local trial court, while substantially decreasing juror inconvenience.

History of the Legislation

H.R. 2946 was introduced by Representative Mervyn Dymally and referred to the House District of Columbia Committee on July 10, 1985, following a subcommittee hearing and consideration of a predecessor bill, H.R. 2717. It was considered and passed by the House of Representatives on October 28, 1985, and referred to the Senate Governmental Affairs Committee the following day.

The bill was then referred to the Subcommittee on Governmental Efficiency and the District of Columbia which held a hearing on March 5, 1986. At that hearing testimony was taken in favor of the proposal from the chief judges of both of the local courts, and from representatives of the District of Columbia Bar, the Executive branch of the District government, the Council for Court Excellence, and others. No witness testified against the proposal.

Following the Subcommittee hearing, the bill was prepared for markup. One amendment was proposed which eliminated the ability of individuals to volunteer for jury duty. The amendment was adopted and the bill as amended unanimously approved for referral to the full Governmental Affairs Committee on June 24, 1986. The Governmental Affairs Committee considered the bill and ordered it favorably reported at its June 25, 1986 business meeting.

Provisions of the Legislation

H.R. 2946 amends Chapter 19 of Title 11 of the D.C. Code to allow the Superior Court to establish a master plan for its own independent jury system.

The bill gives the Board of Judges of the Superior Court the responsibility to adopt a jury plan for the court, which would then be subject to the 30 legislative day Congressional review period under the Home Rule Act. The system is to be administered by the Clerk of the Court.

The legislation requires that a master juror list be compiled, and that the broad exclusions currently in effect with respect to the District Court not apply. The effect will be to substantially broaden the reach of the Court in providing for a jury pool. Only those individuals determined to be physically or mentally infirm, those convicted of a felony or with a pending felony or misdemeanor charge would be automatically excluded. The Court would have discretion to make other exemption decisions.

The bill further establishes penalties for the various offenses involved with tampering with information regarding fitness for jury duty, fraud, and the like.

It is anticipated by the Committee that the Court will implement a one day/one trial jury system under the authority granted by this bill. A test of that system was recently run, and highly praised by the participants.

The Committee adopted one amendment to H.R. 2946 in the new section 11–1905 of the D.C. Code as proposed in the House passed version of the bill. The amendment deletes the words "individuals who submit their names to the Court for inclusion on the master juror list," and subsection (c) which would require the Court to publish annual notice of the ability of citizens to submit their names for inclusion on the master juror list. It would thus eliminate the ability of individuals to volunteer to be added to the master jury list of the Court. The concern has been expressed by the former Chief Judge of the District Court of the District of Columbia, by the judges of the local courts, and by others, that such a procedure would skew the random selection nature of the jury plan. Because the new jury plan is expected to open the doors for so many more participants, it was felt by the Committee that it is unnecessary to risk this skewed effort.

Section-by-Section Analysis

SECTION 1

Short Title: provides that this act may be cited as the "District of Columbia Jury System Act."

SECTION 2

Establishment of District of Columbia Jury System: amends Chapter 19 of Title 11 of the D.C. Code as follows:

Section 11–1901, "Declarations of Policy," requires qualified court summoned juries to serve on grand and petit juries.

Section 11–1902, "Definitions," provides definitions for: Board of Judges chief judge, clerk, court, juror, jury, jury system plan, master juror list, random selection, and residency.

Section 11–1903, "Prohibition of Discrimination," prohibits disqualification or exclusion from jury service on the basis of race, color, religion, sex, national origin, ancestry, economic status, age or certain physical handicaps.

Section 11–1904, "Jury System Plan," requires the Board of Judges to adopt a written jury plan for random selection of jurors and provides guidelines for the plan's adoption and implementation. Also, this section requires the Clerk of the Court to administer the plan.

Section 11–1905, "Master Juror List," requires the Board of Judges to compile a master juror list from which names of prospective jorors will be drawn. This list would consist primary of names of District of Columbia voters.

Section 11–1906, "Qualification of Jurors," requires jurors to be United States citizens, District of Columbia residents, at least 18

years of age and able to read, speak and understand the English language.

Individuals with physical or mental disabilities, felony convictions or pending criminal charges are unqualified for jury service under this section, with exceptions for felons after one year of sentence, probation or parole completion. It also requires the Clerk of the Court to mail juror qualification forms to prospective jurors. Failure to complete and return these forms, without good cause, may result in a fine of not more than $300.00 or seven (7) days imprisonment.

Intentional misrepresentation of a fact in order to avoid or secure juror service is punishable by a fine of not more than $300.00 and not more than ninety (90) days imprisonment.

Section 11–1907, "Summoning of Prospective Jurors," authorizes the Court to summon qualified individuals to serve as petit or grand jurors and to hold prospective jurors in contempt for failure to respond to summons. Failure to show good cause for not appearing is punishable by a fine of not more than $300.00 and not more than seven (7) days imprisonment.

Section 11–1908, "Exclusion from Jury Service," provides several bases for jury service exclusion. They include potential disruption to judicial proceeding; peremptory challenges; good cause challenges; and secrecy of proceeding concerns.

Section 11–1909, "Deferral from Jury Service," allows a qualified prospective juror to be deferred from jury service upon a showing of undue hardship, extreme inconvenience, public necessity or temporary mental or physical disability.

Section 11–1910, "Challenging Compliance," allows a party defendant, the United States, the District of Columbia, or a party in a civil suit to challenge the jury composition. The court is required to stay the proceedings or grant appropriate relief if it determines there has not been substantial compliance with applicable jury selection guidelines.

Section 11–1911, "Length of Service," provides that the master jury plan shall determine length of service for grand and petit jurors and provides that jurors shall not be required to serve more than once as a grand juror in any twenty-four month period unless there is an insufficiency of jurors on the master list.

Section 11–1912, "Juror Fees," requires the District of Columbia City Council to establish juror fees, not to exceed rates paid to federal jurors. Also, this section allows jurors receiving D.C. employment security benefits to retain such benefits. It prohibits compensation to government employees who continue to receive regular compensation during jury service.

Section 11–1913, "Protection of Employment of Jurors," prohibits employers from threatening or intimidating a juror employment situation because of jury related service. First time violations of this section are punishable by a fine of not more than $300.00 and not more than 30 days imprisonment or both. Any subsequent violation of this section is punishable by a fine of not more than $5,000 and not more than one-hundred and eighty (180) days imprisonment. It also authorizes discharged employees to bring civil action within nine (9) months of discharge for recovery of lost

wages, reinstatement and damages. If the employee prevails, he or she would be entitled to reasonable attorney fees.

Section 11-1914, "Preservation of Records," requires that all records and lists pertinent to the jury selection process shall be preserved, consistent with the jury system plan. Also, it requires nondisclosure of any records or lists, except in connection with preparation or presentation of a motion, or until all selected jurors from such lists have been discharged.

Section 11-1915, "Fraud in the Selection Process," provides that any person who maliciously causes any name to be inserted into or deleted from any list shall be guilty of jury tampering. This offense is punishable by a fine up to $10,000 and imprisonment for not more than two (2) years.

Section 11-1916, "Grand Jury," permits a grand jury to take cognizance of all members before it, regardless of whether an indictment is returnable in District of Columbia or Federal courts. When appropriate, it also allows the U.S. Attorney to call for an additional grand jury.

Section 11-1917, "Coordination and Cooperation of Courts," encourages cooperation between Federal and District of Columbia courts and authorizes the courts to enter into appropriate agreements to further cooperation.

Section 11-1918, "Effect of Invalidity," provides for severing any invalid provision of this Act. Upon passage, the bill provides immediate authority for the Board of Judges to adopt an appropriate jury plan.

SECTION 3

Technical and Conforming Amendments: conforms the U.S. Code to the provisions of this act.

SECTION 4

Effective Date: provides that the act takes effect 180 days after enactment, except that the Board of Judges may promulgate and adopt a jury system plan in accordance with the provisions of this act upon enactment.

EVALUATION OF REGULATORY IMPACT

Paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate "the regulatory impact which would be incurred in carrying out the bill."

H.R. 2946 will not have any additional regulatory impact, inasmuch as it eliminates one jury system within the District of Columbia and establishes another. It does not authorize any additional regulation of activities in the private sector, impose any new recordkeeping or reporting requirements on any segment of the public, or abolish any existing regulations.

ESTIMATED COST OF THE LEGISLATION

Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed the cost implications

of H.R. 2946. The following is CBO's estimate of the potential costs of the legislation:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 18, 1986.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2946, the District of Columbia Jury System Act, as ordered reported by the Senate Committee on Governmental Affairs, June 25, 1986. We estimate that enactment of this bill would result in costs of about $80,000 annually to the District of Columbia, and in savings of a somewhat smaller amount to the federal government.

This bill requires the Board of Judges of the Superior Court of the District of Columbia to adopt and implement a written jury system plan for the selection and service of jurors in the D.C. Superior Court. Currently, the government of the District of Columbia derives data from voter registration and driver license lists and transmits this information to the United States Jury Commission. The federal government then conducts the necessary review and in turn provides information back to the District of Columbia. Finally, summonses are prepared and mailed from the D.C. court offices.

Under as independent jury system, the District of Columbia would assume responsibility for several activities currently performed by the federal government. These would include the mailing of forms for qualification of prospective jurors, and the review itself. Based on information from the government of the District of Columbia, we estimate that these activities would cost the District of Columbia about $80,000 per year. The federal government would realize a corresponding reduction in costs. However, because the United States Jury Commission would continue to conduct its own review and jury selection for trials conducted in the federal D.C. circuit courts, savings to the federal government would be somewhat smaller than the additional costs to the District of Columbia.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH, G. PENNER, *Director.*

COMMITTEE ACTION

On June 25, 1986, a quorum being present, the Committee on Governmental Affairs agreed to report favorably H.R. 2946, as amended, to the Senate. No opposition to the bill was registered by any member.

CHANGES IN EXISTING LAW

Rule XXVI of the Standing Rules of the Senate requires that changes in existing law made by the bill, as reported, be detailed in the Committee Report accompanying the bill. In compliance with

that rule, changes are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 11, DISTRICT OF COLUMBIA CODE

* * * * * * *

[CHAPTER 19. JURIES AND JURORS

[Sec.
[11-1901. Qualifications of jurors.
[11-1902. Single jury selection system.
[11-1903. Grand jury; additional grand jury.
[11-1904. Assignment of jury panels.
[11-1905. Length of service.
[11-1906. Fees of jurors.]

[§ 11-1901. Qualifications of jurors.

[Jurors serving within the District of Columbia shall have the same qualifications as provided for jurors in the Federal courts.

[§ 11-1902. Single jury selection system.

[There shall be a single system in the District of Columbia for the selection of jurors for both Federal and District of Columbia courts. The selection system shall be that prescribed by Federal law and executed in accordance therewith as provided by the United States District Court for the District of Columbia.

[§ 11-903. Grand jury; additional grand jury.

[(a) A grand jury serving in the District of Columbia may take cognizance of all matters brought before it regardless of whether an indictment is returnable in the Federal or District of Columbia courts.

[(b) If the United States Attorney for the District of Columbia certifies in writing to the chief judge of the United States District Court of the District of Columbia, or the chief judge of the Superior Court, that the exigencies of the public service require it, the judge may, in his discretion, order an additional grand jury summoned, which shall be drawn at such time as he designates. Unless sooner discharged by order of the judge, the additional grand jury shall serve until the end of the term for which it is drawn.

[§ 11-1904. Assignment of jury panels.

[The names of persons to serve as jurors in the United States District Court for the District of Columbia and the Superior Court shall be drawn from time to time as may be required, and such persons shall be assigned to jury panels within those courts as the courts may decide.

[§ 11-1905. Length of service.

[Petit jurors summoned for service in the District of Columbia shall serve for such period of time and at such sessions as the particular court shall direct, but, unless actually engaged as a trial juror in a particular case, may not be required to serve in the court for more than thirty days in any two-year period.

[§ 11–1906. Fees of jurors.

[Jurors serving in the Superior Court shall receive the same fees as jurors serving in the United States District Court for the District of Columbia.]

CHAPTER 19. JURIES AND JURORS

Sec.
11–1901. Declaration of policy.
11–1902. Definitions.
11–1903. Prohibition of discrimination.
11–1904. Jury system plan.
11–1905. Master juror list.
11–1906. Qualification of jurors.
11–1907. Summoning of prospective jurors.
11–1908. Exclusion from jury service.
11–1909. Deferral from jury service.
11–1910. Challenging compliance with selection procedures.
11–1911. Length of service.
11–1912. Juror fees.
11–1913. Protection of employment of jurors.
11–1914. Preservation of records.
11–1915. Fraud in the selection process.
11–1916. Grand jury; additional grand jury.
11–1917. Coordination and cooperation of courts.
11–1918. Effect of invalidity.

CHAPTER 19. JURIES AND JURORS

§ 11–1901. Declaration of policy.

A jury selection system is hereby established for the Superior Court of the District of Columbia. All litigants entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the residents of the District of Columbia. In accordance with the provisions of this chapter, all qualified individuals shall have the opportunity to be considered for service on grand and petit juries in the District of Columbia and shall be obligated to serve as jurors when summoned for that purpose.

§ 11–1902. Definitions.

For purposes of this chapter, the following terms have the following meanings:

(1) The term "Board of Judges" means the chief judge and the associate judges of the Superior Court of the District of Columbia.

(2) The term "chief judge" means the chief judge of the Superior Court of the District of Columbia.

(3) The term "clerk" means the clerk of the Superior Court of the District of Columbia or any deputy clerk.

(4) The term "Court" means the Superior Court of the District of Columbia and may include any judge of the Court acting in an official capacity.

(5) The term "juror" means (A) any individual summoned to Superior Court for the purpose of serving on a jury; (B) any individual who is on call and available to report to Court to serve on a jury upon request; and (C) any individual whose service on a jury is temporarily deferred.

(6) The term "jury" includes a grand or petit jury.

(7) The term "jury system plan" means the plan adopted by the Board of Judges of the Court, consistent with the provisions of this chapter, to govern the administration of the jury system.

(8) The term "master juror list" means the consolidated list or lists compiled and maintained by the Board of Judges of the District of Columbia Courts which contains the names of prospective jurors for service in the Superior Court of the District of Columbia.

(9) The term "random selection" means the selection of names of prospective jurors in a manner immune from the purposeful or inadvertent introduction of subjective bias, so that no recognizable class of the individuals on the list or lists from which the names are being selected can be purposefully or inadvertently included or excluded.

(10) The term "resident of the District of Columbia" means an individual who has resided or has been domiciled in the District of Columbia for not less than six months.

§ 11-1903. Prohibition of discrimination.

A citizen of the District of Columbia may not be excluded or disqualified from jury service as a grand or petit juror in the District of Columbia on account of race, color, religion, sex, national origin, ancestry, economic status, marital status, age, or (except as provided in this chapter) physical handicap.

§ 11-1904. Jury System Plan.

(a) The Board of Judges shall adopt, implement, and as necessary modify, a written jury system plan for the random selection and service of grand and petit jurors in the Superior Court consistent with the provisions of this chapter. The adopted plan and any modifications shall be subject to a 30-day period of review by Congress in the manner provided for an act of the Council under section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act. The plan shall include—

(1) detailed procedures to be followed by the clerk of the Court in the random selection of names from the master juror list;

(2) provisions for a master jury wheel (or other device of like purpose and function) which shall be emptied and refilled at specified intervals, not to exceed 24 months;

(3) provisions for the disclosure to the parties and the public of the names of individuals selected for jury service, except in cases in which the chief judge determines that confidentiality is required in the interest of justice; and

(4) procedures to be followed by the clerk of the Court in assigning individuals to grand and petit juries.

(b) The jury system plan shall be administered by the clerk of the Court under the supervision of the Board of Judges.

§ 11-1905. Master juror list.

(a) The jury system plan shall provide for the compilation and maintenance by the Board of Judges of a master juror list from which names of prospective jurors shall be drawn. Such master juror list shall consist of the list of District of Columbia voters, and

names from such other appropriate sources and lists as may be provided in the jury system plan.

(b) Notwithstanding any other provision of law, upon request of the Board of Judges any person having custody, possession, or control of any list required under subsection (a) shall provide such list to the Court, at cost, at all reasonable times. Each list shall contain the names and addresses of individuals on the list. Any list obtained by the Court under the provisions of this chapter may be used by the Court only for the selection of jurors pursuant to this chapter.

§ 11–1906. Qualification of Jurors.

(a) The jury system plan shall provide for procedures for the random selection and qualification of grand and petit jurors from the master juror list. Such plan may provide for separate or joint qualifications and summoning processes.

(b)(1) An individual shall be qualified to serve as a joror if that individual—

(A) is a resident of the District of Columbia;

(B) is a citizen of the United States;

(C) has attained the age of 18 years; and

(D) is able to read, speak, and understand the English language.

(2) An individual shall not be qualified to serve as a juror—

(A) if determined to be incapable by reason of physical or mental infirmity of rendering satisfactory jury service; or

(B) if that individual has been convicted of a felony or has a pending felony or misdemeanor charge, except that an individual disqualified for jury service by reason of a felony conviction may qualify for jury service not less than one year after the completion of the term of incarceration, probation, or parole following appropriate certification under procedures set out in the jury system plan.

(3) Any determination regarding qualification for jury service shall be made on the basis of information provided in the juror qualification form and any other competent evidence.

(c)(1) The jury system plan shall provide that a juror qualification form be mailed to each prospective juror. The form and content of such juror qualification form shall be determined under the plan. Notarization of the juror qualification form shall not be required.

(2) An individual who fails to return a completed juror qualification form as instructed may be ordered by the Court to appear before the clerk to fill out such form, to appear before the Court and show cause why he or she should not be held in contempt for failure to submit the qualification form, or both. An individual who fails to show good cause for such failure, or who without good cause fails to appear pursuant to a Court order, may be punished by a fine of not more than $300, by imprisonment for not more than seven days, or both.

(d) An individual who intentionally misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror may be punished by a fine of not more than $300, by imprisonment for not more than 90 days, or both.

§ 11–1907. Summoning of Prospective Jurors.

(a) At such times as are determined under the jury system plan, the Court shall summon or cause to be summoned from among qualified individuals under section 11–1906 sufficient prospective jurors to fulfill requirements for petit and grand jurors for the Court. A summons shall require a prospective juror to report for possible jury service at a specified time and place unless advised otherwise by the Court. Service of prospective jurors may be made personally or by first-class, registered, or certified mail as determined under the plan.

(b) A prospective juror who fails to appear for jury duty may be ordered by the Court to appear and show cause why he or she should not be held in contempt for such failure to appear. A prospective juror who fails to show good cause for such failure, or who without good cause fails to appear pursuant to a Court order, may be punished by a fine of not more than $300, by imprisonment for not more than seven days, or both.

§ 11–1908. Exclusion from jury service.

(a) Subject to the provisions of this section and of sections 11–1903, 11–1906, and 11–1909, no individual or class of individuals may be disqualified, excluded, excused, or exempt from service as a juror.

(b) An individual summoned for jury service may be: (1) excluded by the Court on the ground that that individual may be unable to render impartial jury service or that his or her service as a juror would be likely to disrupt the proceedings; (2) excluded upon peremptory challenge as provided by law; (3) excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown; or (4) excluded upon determination by the Court that his or her service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations. No person shall be excluded under clause (4) of this subsection unless the judge, in open Court, determines that such exclusion is warranted and that exclusion of that individual will not be inconsistent with sections 11–1901 and 11–1903 of this chapter.

(c) An individual excluded from a jury shall be eligible to sit on another jury if the basis for the initial exclusion would not be relevant to his or her ability to serve on such other jury. The procedures for challenges to and review of exclusions from jury service shall be set forth in the jury system plan.

§ 11–1909. Deferral from jury service.

A qualified prospective juror may be deferred from jury service only upon a showing of undue hardship, extreme inconvenience, public necessity, or temporary physical or mental disability which would affect service as a juror. The procedure for requesting a deferral from jury service and the procedure and basis for granting a deferral shall be set forth in the master jury plan.

§ 11–1910. Challenging compliance with selection procedures.

(a) A party may challenge the composition of a jury by a motion for appropriate relief. A challenge shall be brought and decided

before any individual juror is examined, unless the Court orders otherwise. The motion shall be in writing, supported by affidavit, and shall specify the facts constituting the grounds for the challenge. If the Court so determines, the motion may be decided on the basis of the affidavits filed with the challenge. If the Court orders trial of the challenge, witnesses may be examined on oath by the Court and may be so examined by either party.

(b) If the Court determines that in selecting a grand or petit jury there has been a substantial failure to comply with this chapter, the Court shall stay the proceedings pending the selection of a jury in conformity with this chapter, quash the indictment, or grant other appropriate relief.

(c) The procedures prescribed by this section are the exclusive means by which a person accused of a crime, the District of Columbia, the United States, or a party in a civil case may challenge a jury on the ground that the jury was not selected in conformity with this chapter. Nothing in this section shall preclude any person from pursuing any other remedy, civil or criminal, which may be available for the vindication or enforcement of any law prohibiting discrimination on account of race, color, religion, sex, national origin, economic status, marital status, age, or physical handicap in the selection of individuals for service on grand or petit juries.

§ 11–1911. Length of service.

The length of service for grand and petit jurors shall be determined by the master jury plan. In any twenty-four month period an individual shall not be required to serve more than once as a grand or petit juror except as may be necessary by reason of the insufficiency of the master juror list or as ordered by the Court.

§ 11–1912. Juror fees.

(a) Notwithstanding section 602(a) of the District of Columbia Self-Government and Governmental Reorganization Act, grand and petit jurors serving in the Superior Court shall receive fees and expenses at rates established by the Council of the District of Columbia, except that such fees and expenses may not exceed the respective rates paid to such jurors in the federal system.

(b) A petit or grand juror receiving benefits under the laws of employment security of the District of Columbia shall not lose such benefits on account of performance of juror service.

(c) Employees of the United States or of any State or local government who serve as grand or petit jurors and who continue to receive regular compensation during the period of jury service shall not be compensated for jury service. Amounts representing reimbursement of expenses incurred in connection with jury service may be paid to such employees to the extent provided in the jury system plan.

§ 11–1913. Protection of Employment of jurors.

(a) An employer shall not deprive an employee of employment, threaten, or otherwise coerce an employee with respect to employment because the employee receives a summons, responds to a summons, serves as a juror, or attends Court for prospective jury service.

(b) An employer who violates subsection (a) is guilty of criminal contempt. Upon a finding of criminal contempt an employer may be

fined not more than $300, imprisoned for not more than 30 days, or both, for a first offense, and may be fined not more than $5,000, imprisoned for not more than 180 days, or both, for any subsequent offense."

(c) If an employer discharges an employee in violation of subsection (a), the employee within 9 months of such discharge may bring a civil action for recovery of wages lost as a result of the violation, for an order of reinstatement of employment, and for damages. If an employee prevails in an action under this subsection, that employee shall be entitled to reasonable attorney fees fixed by the court.

§ 11–1914. Preservation of records.

(a) All records and lists compiled and maintained in connection with the selection and service of jurors shall be preserved for the length of time specified in the jury system plan.

(b) The contents of any records or lists used in connection with the selection process shall not be disclosed, except in connection with the preparation or presentation of a motion under § 11–1910, or until all individuals selected to serve as grand or petit jurors from such lists have been discharged.

§ 11–1915. Fraud in the selection process.

An individual who commits fraud in the processing or selection of jurors or prospective jurors, either by causing any name to be inserted into any list maliciously or by causing any name to be deleted from any list maliciously (including malicious data entry or the altering of any data processing machine or any set of instructions or programs which control data processing equipment for such malicious purpose), is guilty of the crime of jury tampering, and, upon conviction, may be punished by a fine of not more than $10,000, imprisonment for not more than two years, or both. This section shall not limit any other provisions of law concerning the crime of jury tampering.

§ 11–1916. Grand jury; additional grand jury.

(a) A grand jury serving in the District of Columbia may take cognizance of all matters brought before it regardless of whether an indictment is returnable in the Federal or District of Columbia courts.

(b) If the United States Attorney for the District of Columbia certifies in writing to the chief judge that an additional grand jury is required, the judge may in his or her discretion Order an additional grand jury summoned which shall be drawn at such time as he or she designates. Unless discharged by order of the judge, the additional grand jury shall serve until the end of the term for which it is drawn.

§ 11–1917. Coordination and Cooperation of Courts.

To the extent feasible, the Superior Court and the United States District Court shall consider the respective needs of each court in the qualification, selection, and service of jurors. Nothing in this chapter shall be construed to prevent such courts from entering into any agreement for sharing resources and facilities (including automated data processing hardware and software, forms postage, and other resources).

§ 11–1918. Effect of Invalidity.

If any provision of this Act or the application of that provision is held invalid, such invalidity shall not affect any other provision or application of this Act which can be given effect without the invalid provision or application.

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SECTION 1869 OF TITLE 28, UNITED STATES CODE

§ 1869. Definitions

For purposes of this chapter—

*(a) * * **

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(f) "district court of the United States", "district court", and "court" shall mean courts constituted under chapter 5 of title 28, United States Code, chapter 6 of title 28, United States Code, section 22 of the Organic Act of Guam, as amended (64 Stat. 389; 48 U.S.C. 1424), section 21 of the Revised Organic Act of the Virgin Islands (68 Stat. 506; 48 U.S.C. 1611), and section 1 of title 3, Canal Zone Code; [except that for purposes of sections 1861, 1862, 1866(c), 1866(d), and 1867 of this chapter such terms shall include the Superior Court of the District of Columbia];

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